

SENATE JOURNAL

THIRTY-FIFTH LEGISLATURE.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Tuesday, January 9, 1917.

In accordance with the Constitution and laws of the State of Texas, the Senate of the Thirty-fifth Legislature met in the Senate Chamber in the Capitol in the City of Austin, at 12 o'clock, meridian, and was called to order by Lieutenant Governor W. P. Hobby.

Prayer by Rev. H. W. Knickerbocker, pastor First Methodist Church, Austin.

Temporary Organization.

The Chair announced the following temporary officers:

Secretary, John D. McCall.

Assistant Secretary, Geo. H. Boynton.

Journal Clerk, R. M. Gilmore.

Assistant Journal Clerk, Otto Ridgeway.

Second Assistant Journal Clerk, Ralph Soape.

Sergeant-at-Arms, M. F. Hornbuckle.

First Assistant Sergeant-at-Arms, Jas. Kenny.

Second Assistant Sergeant-at-Arms, Jack Crotty.

Doorkeeper, J. A. McReynolds.

Assistant Doorkeeper, I. D. Eagan.

Calendar Clerk, W. E. Conn.

Assistant Calendar Clerk, W. C. Day.

Enrolling Clerk, J. J. Albright.

Assistant Enrolling Clerk, Miss Birdie Cannon.

Engrossing Clerk, C. E. Gilbert.

Assistant Engrossing Clerk, Mrs. Albert Stelfox.

Notarial Clerk, Miss B. Mae Oliver.

Mailing Clerk, Miss Hilda McClendon.

Assistant Notarial and Mailing Clerk, Mrs. E. C. Little.

Senate Librarian, Mrs. Frances McMinds.

Postmaster, Mrs. Clyde Smith.

Chaplain, Rev. S. H. Morgan.

Roll Call of Holdover Senators.

The Chair directed that the roll of the holdover Senators be called and the following Senators answered to their names:

John H. Bailey of Cuero, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascoca.

Carlos Bee of San Antonio, representing District No. 24, composed of the counties of Bexar, Bandera, Kendall, Kerr, Gillespie and Real.

Dr. I. E. Clark of Schulenburg, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

W. L. Hall of Wharton, representing district No. 17, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton.

Jno. M. Henderson of Daingerfield, representing District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

C. B. Hudspeth of El Paso, representing District No. 25, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Madison, Zavala, Reeves, Maverick, Mason, Crockett, Reagan, Terrell and Culberson.

W. A. Johnson of Memphis, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lub-

bock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Farmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

S. M. King of Nacogdoches, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

O. S. Lattimore of Fort Worth, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

J. C. McNealus of Dallas, representing District No. 6, composed of the counties of Dallas and Rockwall.

Paul D. Page of Bastrop, representing District No. 19, composed of the counties of Washington, Burleson, Lee and Bastrop.

A. Parr of Benavides, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmit, La Salle, Willacy, Jim Wells, Brooks, Jim Hogg and Kleberg.

A. C. Robbins of Athens, representing District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

W. D. Suiter of Winnsboro, representing District No. 7, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

Absent.

Leon A. Smith of Henderson, representing District No. 8, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

At the conclusion of the above roll call, the Chair directed the following certificates of election of members-elect to be read:

List of State Senators Elected at the General Election Held November 7, 1916.

District No. 2—Charles R. Floyd of Annona, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta.

District No. 3—F. M. Gibson of Bonham, composed of the counties of Lamar and Fannin.

District No. 4—George W. Dayton of Valley View, composed of the counties of Grayson and Cooke.

District No. 5—Ed Westbrook of Wolfe City, composed of the counties of Collin, Hunt and Rains.

District No. 10—J. M. Alderdice of Waxahachie, composed of the counties of Ellis, Johnson and Hill.

District No. 11—A. R. McCollum of Waco, composed of the counties of McLennan, Falls and Milam.

District No. 12—E. A. Decherd Jr. of Franklin, composed of the counties of Limestone, Freestone, Robertson and Brazos.

District No. 15—W. L. Dean of Huntsville, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

District No. 16—R. M. Johnston of Houston, composed of the counties of Harris, Fort Bend and Waller.

District No. 13—J. J. Strickland of Palestine, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

District No. 21—James A. Harley of Seguin, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

District No. 20—Walter D. Caldwell of Austin, composed of the counties of Williamson, Travis, Burnet and Lampasas.

District No. 26—Scott Woodward of Stephenville, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

District No. 27—A. C. Buchanan of Temple, composed of the counties of Bell, Coryell, Hamilton and Bosque.

District No. 28—C. R. Buchanan of Snyder, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

District No. 31—George M. Hopkins of Denton, composed of the counties of Denton, Wise and Montague.

The State of Texas,
Department of State.

I, C. J. Bartlett, Secretary of State

of the State of Texas, do hereby certify that the above and foregoing is a true and correct list of the persons elected to the office of State Senator from the various senatorial districts of the State of Texas, together with their postoffice addresses, as same now appears on the records of the Department of State, authenticated by the proper certificates of election from the proper returning officers.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of State, at my office in the city of Austin, Texas, this the 8th day of January, A. D. 1917.

(Seal) C. J. BARTLETT,
Secretary of State.

At the conclusion of the reading of the certificates of election, Senator McNealus offered for filing with the Senate a document containing matters of a protest for the seating of Senator-elect Dayton.

By unanimous consent the matter was laid on the table.

Oath of Office Administered.

By request of the Chair, the above Senators-elect appeared before the bar of the Senate and took the constitutional oath of office, administered by Lieutenant-Governor Hobby.

Roll Call.

The Chair directed the roll called, a quorum being present, as follows:

Present.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Smith.

Excused, on account of illness:
Senator Smith, on motion of Senator Bailey.

Rules Adopted.

Senator Lattimore moved that the rules of the Thirty-fourth Legislature be adopted temporarily and prevail until such time as the permanent rules are adopted.

The motion prevailed.

Permanent Organization.

Senator Caldwell offered the following:

Senate Chamber,
Austin, Texas,
January 9, 1917.

To the Hon. W. P. Hobby, Lieutenant Governor:

Upon the call of Senator McNealus, Chairman of the last caucus held by the Texas Senate, a caucus was held in the Secretary's office of the Senate, attended by all Senators, except Senator Lon A. Smith, who was absent on account of illness, and by unanimous vote of those present, the Hon. C. L. Brachfield was invited to participate in the caucus in behalf of Senator Smith. The purpose of the caucus was to determine the number and personnel of the Senate employees for the ensuing session. Senator McNealus was elected Chairman of the caucus and Senator Caldwell, Secretary.

The following employees were recommended as employees of the Thirty-fifth Legislature to serve during the regular session:

Secretary, John D. McCall.
Assistant Secretary, Geo. H. Boynton.
Journal Clerk, R. M. Gilmore.
Assistant Journal Clerk, Otto Ridgeway.
Second Assistant Journal Clerk, Ralph Soape.
Sergeant-at-Arms, M. F. Hornbuckle.
First Assistant Sergeant-at-Arms, Jas. Kenny.
Second Assistant Sergeant-at-Arms, Jack Crotty.
Doorkeeper, Z. A. McReynolds.
Assistant Doorkeeper, I. D. Eagan.
Calendar Clerk, W. E. Conn.

Assistant Calendar Clerk, W. C. Day.

Enrolling Clerk, J. J. Allbright.

Assistant Enrolling Clerk, Miss Birdie Cannon.

Engrossing Clerk, C. E. Gilbert.

Assistant Engrossing Clerk, Mrs. Albert Stelfox.

Notarial Clerk, Miss B. Mae Oliver.

Mailing Clerk, Miss Hilda McClendon.

Assistant Notarial and Mailing Clerk, Mrs. E. C. Little.

Senate Librarian, Mrs. Frances McMinds.

Postmaster, Mrs. Clyde Smith.

Chaplain, Rev. S. H. Morgan.

It was further recommended that each Senator be permitted to name one stenographer typist, and that such employe act as clerk to each committee on which said Senator may be chairman.

It was further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It was further recommended that the compensation of officers and employes as above named shall be five dollars per day, except that the Secretary of the Senate and the Journal Clerk shall each receive seven dollars per day, and except, further, that the pages and porters shall be paid two dollars per day.

It is further recommended that the Lieutenant Governor be permitted to select a Secretary and a stenographer, and a personal messenger, each to receive a compensation of five dollars per day.

It was further recommended that the Senators be given such time as they desire to name their personal appointment, and that such appointment be made by handing the name of such appointee to the Secretary of the Senate.

McNEALUS, Chairman.

CALDWELL, Secretary.

Senator Caldwell offered the following amendment, which was read and adopted:

"It is further recommended that the chairman of the Finance Committee be permitted to appoint a clerk of the Finance Committee, to receive a compensation of five dollars per day."

The above organization resolution was then adopted, which carried with it the election of the above officers and employes.

Simple Resolution No. 1.

By Senator Hudspeth:

Resolved, That the Senators retire to the lobby of the Senate and that the Secretary write their names on a slip of paper, shake same in a hat and draw out of said hat the name of a Senator, and as the name of said Senator is drawn he shall take whatever seat is available.

Senator Bailey offered the following substitute for the measure:

Resolved, That by senatorial courtesy the present hold-over Senators and Senators re-elected be allowed, if so desiring, to retain their present seats, and that newly elected Senators be allowed to occupy the seats of their predecessors, provided that new Senators shall have the privilege of exchanging seats with any other Senator by agreement.

The substitute was read and adopted.

Simple Resolution No. 2.

By Senator Clark:

Whereas, The desks in the Senate chamber have been placed too far from each other; therefore be it

Resolved, That the Sergeant-at-Arms be instructed to place said seats back as they were during the Thirty-fourth Legislature.

The resolution was read and lost.

Oath Administered to Officers.

Here the Chair administered the oath of office to all the constitutional officers, they appearing en masse before the bar of the Senate.

Election of President Pro Tem.

The Chair here announced that nominations were in order for the election of a President pro tem.

Senator Lattimore placed in nomination for this place Senator Henderson.

Senators Johnson, Westbrook, Gib-

son, Bee, Hudspeth, Page and Suiter seconded the nomination. -

There being no other nominations, the Chair announced that nominations were closed, and directed the Senators to prepare their ballots.

Senators King, Decherd and Floyd were appointed tellers, and announced that Senator Henderson had received 29 votes, a majority of all the votes cast.

The Chair (Lieutenant Governor Hobby) declared Senator Henderson duly and constitutionally elected President pro tem. of the Senate for this the regular session.

Senator Henderson was escorted to the bar of the Senate and was administered the constitutional oath of office.

Simple Resolution No. 3.

By Senators Bailey and McNealus:

Resolved, That the President of the Senate appoint a committee of three Senators to notify the Governor that the Senate has completed its organization and is ready to proceed with business and to receive such messages as he may deem fit to transmit to it.

The resolution was read and adopted.

Simple Resolution No. 4.

By Senators Bailey, Lattimore and McNealus:

Resolved, That a committee of three Senators be appointed by the President of the Senate to inform the House of Representatives that the Senate has perfected its organization and is now ready to receive such messages as it may deem fit to transmit to it.

The resolution was read and adopted.

Simple Resolution No. 5.

By Senator Hudspeth:

Resolved, that each Senator and the Lieutenant Governor be permitted to subscribe for six newspapers, the same to be paid for out of the contingent expense fund of the Senate.

HUDSPETH.
MCNEALUS.
CLARK.

The resolution was read and by unanimous consent was amended to read "6" in lieu of "5"; and the resolution was adopted.

Simple Resolution No. 6.

By Senator Bailey:

Resolved, That the Lieutenant Governor and each Senator, in addition to the postage and stationery furnished him, be allowed expenses incurred for transmitting and receiving such telegrams and telephone messages as may be actually necessary in the discharge of his official duties, not to exceed during the Regular Session of the Thirty-fifth Senate the aggregate sum of twenty-five dollars, all bills for such telegrams and telephone messages to be paid out of the contingent fund of the Senate when approved by such Senator incurring the same.

The resolution was read and adopted.

On motion of Senator Caldwell, the vote by which the resolution was adopted was reconsidered, and the motion to reconsider was tabled.

Simple Resolution No. 7.

Resolved, That a porter be designated by the President to gather up all newspapers left on the desks of members and deliver same to the Confederate Home.

The resolution was read and adopted.

Notification Committee.

In accordance with the resolution previously adopted, the Chair announced the following notification committees:

To notify the Governor: Senators Bailey, Johnston and Strickland.

To notify the House: Senators Westbrook, Parr and Hopkins.

Adjournment.

At 1:30 o'clock p. m., and on motion of Senator Lattimore, the Senate adjourned until tomorrow morning at 10 o'clock.

SECOND DAY.

Senate Chamber,
Austin, Texas,
Wednesday, January 10, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Present.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent—Excused.

Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Westbrook.

Appointments by Lieutenant Governor.

Lieutenant Governor Hobby announced the appointment of the following pages and porters:

Pages—Arthur Lebovitz, Johnnie Haidusek, William Atkinson Private, Brooks Lemburg, Paul Bledsoe, Fielding Jones, Max Hauschild, Stewart Francis, Jno. Hurley, Roy Burns, Valta Layne, A. W. Kennard, Quintus Mundine, Robert Lunsford, Eugene Potter.

Porters — Ellis Monroe, Irwin Hatcher, Horace Nichols, Tom White, Ed Williams, Tom Plummer, Green Mendaris, Andrew Murphey, Buck Green, Tom Burton, Alex Swanson.

House Notification Committee.

A committee from the House here appeared at the door of the Senate and notified the Senate that the House was organized and ready for business.

Senate Committee Report.

Notification committees, appointed on yesterday, here appeared, made reports, and were discharged.

Assignment of Stenographers.

Pursuant to the caucus resolutions adopted on yesterday providing for stenographers for Senators, the following names have been furnished the Secretary as the appointee for district designated:

District No. 1—Miss Mary W. McCollum, Texarkana, Texas.

District No. 2—Chas. D. Berry.

District No. 3—Miss Tysie Ragsdale, Bonham, Texas.

District No. 4—Miss Nellie Lowday.

District No. 5—Miss Monette Smith.

District No. 6—Miss Mary Thompson.

District No. 7—Miss Allie Smith.

District No. 8—Miss Melissa Meneff, Center, Texas.

District No. 9—Miss Minnie Collins, Athens, Texas.

District No. 10—Miss Jennie Brin.

District No. 11—H. O. Bishop, Waco, Texas.

District No. 12—(Not announced)

District No. 13—Miss Rena Hunter.

District No. 14—R. E. King.

District No. 15—Mrs. Margaret Mitchell.

District No. 16—Miss Theodora Bell.

District No. 17—Miss Lillian Oshman.

District No. 18—Miss Fannie S. Daniel.

District No. 19—Miss Ada Bell.

District No. 20—Miss Stella Lindheimer.

District No. 21—Miss Mabel Kenze.

District No. 22—Mrs. Nellie Shannon.

District No. 23 — Miss Myrtle O'Reilly.